IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
FRIDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA
WRIT PETITION NO : 10582 of 2004

Between:

M. Narasimhamurthy, S/o. Kamaraju, Hindu,
R/o. Plot No. 47, situated in S.No.268/277 of Pendurthy Village of Visakhapatnam District.

..... PETITIONER

AND

1 The District Collector, Visakhapatnam.
2 The Mandal Revenue officer, Pendurthy.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ order or direction particularly one in the nature of Writ of Mandamus declaring the action of the respondents as illegal and ultra virus to the provisions of Article 14, 21 and 300 A of the Constitution of India directing not dispossess the petitioner from the plot No.47 situated in Sy.No.268/277 of Pendurthy Village, and Mandal of Visakhapatnam District

For the Petitioner:MR.V.S.R.ANJANEYALU, Advocate

For the Respondents.: GP FOR REVENUE

The Court made the following Oral Order:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue for the respondents.

The petitioner states that he was granted house site patta in an extent of 30' x 35' bearing Plot No.47, situated in Sy. No. 268/277 of Pendurthy village of Visakhapatnam District, in accordance with the provisions of the Board Standing Orders vide proceedings dated 2-1-1993. On the said plot, the petitioner states that he had constructed an house and residing therein by paying the house tax regularly, and he had paid the house tax for the assessment year 2003-04 on 24-2-2004.

While so, it is the case of the petitioner that the respondents without issuing any notice and without following the due process of law, sought to dispossess the petitioner. He, therefore, seeks appropriate directions.

Upon hearing the learned counsel and having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ

petition with the following directions:

If the patta said to have been granted to the petitioner is not cancelled, and if the petitioner is still in possession, the respondents shall not dispossess or evict the petitioner from the land in question without following the due process of law.

The writ petition is accordingly disposed of. No costs.

N.V. RAMANA, J.

Date: June 25, 2004.

Note:

Commnicate the operative portion of the order by wire at Party's cost.
(B/o)

KSR/BSV

To
1 The District Collector, Visakhapatnam.
2 The Mandal Revenue officer, Pendurthy.
3. CCs to Government Pleader for Revenue, High Court Bldgs., High Court of A.P., Hyderabad
4. 2CD copies